

involved fatal accidents, CMV fatal accident rate, or meeting specified CMV safety program performance criteria.

*Large truck* means a truck over 10,000 pounds gross vehicle weight rating including single unit trucks and truck tractors (FARS definition).

*Motor carrier* means a for-hire motor carrier or private motor carrier. The term includes a motor carrier's agents, officers, or representatives responsible for hiring, supervising, training, assigning, or dispatching a driver or concerned with the installation, inspection, and maintenance of motor vehicle equipment or accessories or both.

*New Entrant Funds* means funds provided to State and local governments to conduct safety audits on New Entrant motor carriers under the New Entrant Safety Assurance Program.

*North American Standard Inspection* means the methodology used by State CMV safety inspectors to conduct safety inspections of CMVs. This consists of various levels of inspection of the vehicle or driver or both. The inspection criteria are developed by the FMCSA in conjunction with the Commercial Vehicle Safety Alliance (CVSA), an association of States, Canadian Provinces, and Mexico whose members agree to adopt these standards for inspecting CMVs in their jurisdiction.

*Operating authority* means the registration required by 49 U.S.C. 13902, 49 CFR part 365, 49 CFR part 368, and 49 CFR 392.9a.

[65 FR 15102, Mar. 21, 2000, as amended at 71 FR 50866, Aug. 28, 2006; 72 FR 36769, July 5, 2007]

**§ 350.107 What jurisdictions are eligible for MCSAP funding?**

All of the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands are eligible to receive MCSAP grants directly from the FMCSA. For purposes of this subpart, all references to "State" or "States" include these jurisdictions.

**§ 350.109 What are the national program elements?**

The national program elements include the following five activities:

- (a) Driver/vehicle inspections.
- (b) Traffic enforcement.
- (c) Compliance reviews.
- (d) Public education and awareness.
- (e) Data collection.

**§ 350.111 What constitutes traffic enforcement for the purpose of the MCSAP?**

Traffic enforcement means enforcement activities of State or local officials, including the stopping of vehicles operating on highways, streets, or roads for moving violations of State or local motor vehicle or traffic laws (e.g., speeding, following too closely, reckless driving, improper lane changes).

[72 FR 36769, July 5, 2007]

**Subpart B—Requirements for Participation**

**§ 350.201 What conditions must a State meet to qualify for Basic Program Funds?**

Each State must meet the following twenty-two conditions:

- (a) Assume responsibility for improving motor carrier safety and adopting and enforcing State safety laws and regulations that are compatible with the FMCSRs (49 CFR parts 390–397) and the HMRs (49 CFR parts 107 (subparts F and G only), 171–173, 177, 178 and 180), except as may be determined by the Administrator to be inapplicable to a State enforcement program.
- (b) Implement performance-based activities, including deployment of technology to enhance the efficiency and effectiveness of CMV safety programs.
- (c) Designate, in its State Certification, the lead State agency responsible for implementing the CVSP.
- (d) Ensure that only agencies having the legal authority, resources, and qualified personnel necessary to enforce the FMCSRs and HMRs or compatible State laws or regulations are assigned to perform functions in accordance with the approved CVSP.
- (e) Allocate adequate funds for the administration of the CVSP including the enforcement of the FMCSRs, HMRs, or compatible State laws or regulations.
- (f) Maintain the aggregate expenditure of funds by the State and its political subdivisions, exclusive of Federal